

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- July 12, 1967

Appeal No. 9261 Ann E. Fogarty, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on July 19, 1967.

ORDERED:

That the appeal for a variance from the use provisions of the R-4 District to permit office building at 109 C Street, SE., lot 19, square 733, be denied.

FINDINGS OF FACT:

- (1) The subject property is located in an R-4 District.
- (2) The property is improved with a three-story brick row building with basement.
- (3) Appellant stated that the building was completely rebuilt in 1957 after having been condemned. It was made into four apartments.
- (4) Appellant desires to convert the apartment building into an office use.
- (5) Office uses are first permitted as a matter right in the C-1 District.
- (6) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

This appeal must be denied. The property is now being used within the R-4 standards of the Zoning Regulations. The continued utilization of the property within the R-4 standards is not in issue. The only question is whether the appellant will be permitted to use the property to produce superior income. The proposed use is not even a residential use but commercial. We repeat that the variance clause is not a mechanism for changing the zoning classification. The variance clause is not meant to guarantee a more

economical use of the property but only to provide relief where there are topographic problems or other unusual circumstances which prevent the property from being used within the Zoning category.

The relief requested by this appellant must be sought from the Zoning Commission. It is not the province of this Board to change the purpose and intent of the Zoning Regulations and maps.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: James E. Bess
JAMES E. BESS
Secretary of the Board